

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: ASHINC CORPORATION, *et al.*, : Chapter 11
Debtors. : Bankr. No. 12-11564 (CSS)
Debtors. : (Jointly Administered)

CATHERINE E. YOUNGMAN, :
LITIGATION TRUSTEE FOR ASHINC :
CORPORATION, ET AL., AS :
SUCCESSOR TO THE OFFICIAL :
COMMITTEE OF UNSECURED :
CREDITORS OF ASHINC :
CORPORATION, AND ITS AFFILIATED :
DEBTORS, :
Plaintiff, : Civ. No. 21-994-CFC
BDCM OPPORTUNITY FUND II, LP, :
BLACK DIAMOND CLO 2005-1 LTD., :
and SPECTRUM INVESTMENT :
PARTNERS, L.P., :
Intervenors, :
v. :
YUCAIPA AMERICAN ALLIANCE FUND:
L.P., AND YUCAIPA AMERICAN :
ALLIANCE (PARALLEL) FUND I, L.P., :
Defendants. :

CATHERINE E. YOUNGMAN, :	
LITIGATION TRUSTEE FOR ASHINC :	
CORPORATION, ET AL., AS :	
SUCCESSOR TO BDCM OPPORTUNITY :	
FUND II, LP, BLACK DIAMOND :	
COMMERCIAL FINANCE, L.L.C., as :	
co-administrative agent, and SPECTRUM :	
COMMERCIAL FINANCE LLC, as :	
co-administrative agent, :	
	Civ. No. 21-995-CFC
Plaintiff, :	
	:
YUCAIPA AMERICAN ALLIANCE FUND:	
I, L.P., and YUCAIPA AMERICAN :	
ALLIANCE (PARALLEL) FUND I, L.P., :	
	:
Defendants. :	

ORDER

Appellants filed a motion asking me to stay the enforcement of the Bankruptcy Court's judgments being appealed or alternatively to waive the bond requirement of Federal Rule of Civil Procedure 62(b). D.I. 4. I denied that motion for the reasons stated in a Memorandum Opinion issued on August 2, 2021. D.I. 34.

Also on August 2, the Magistrate Judge issued a Recommendation in which she recommended that the appeals remain in mandatory mediation and that a “[s]tay in these appeals be extended until” the completion of the mediation. D.I. 33 at 4. Appellee has filed objections to the Recommendation. D.I. 39. Appellee

objects to the Magistrate Judge's recommendation that the appeals be stayed pending completion of mediation. D.I. 39 at 3.

I exercise de novo review of the Magistrate Judge's recommendation. 28 U.S.C. § 636(b)(1)(C); FED. R. CIV. P. 72(b). And for the reasons stated in the August 2 Memorandum Opinion I will overrule the Magistrate Judge's recommendation that the appeals be stayed pending completion of mandatory mediation.

Now therefore at Wilmington on this Eleventh day of August in 2021, it is
HEREBY ORDERED that:

1. Appellee's objections to the Recommendation (D.I. 39) are SUSTAINED;
2. The Recommendation (D.I. 33) is OVERRULED insofar as it recommended the imposition of a stay and is ADOPTED in all other respects.



CONNOLLY, CHIEF JUDGE